

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4916 of 2007

13.3.2007

Between:

Podilapu Chaviti Naidu, S/o.late Buchappadu

And others

... Petitioners

AND

The Mandal Revenue Inspectir, Vizianagaram (Rural),

Vizianagaram District

And another

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4916 of 2007

ORDER:

The first petitioner was permitted by the Gram Panchayat, Jammu Narayanapuram, to set up a Kiosk (in local language, buddy) near Boddagadda with the panchayat limits, on a monthly payment of Rs.60/-. The petitioners set up buddy and running a panshop. The first respondent issued a notice calling upon the petitioner to remove the buddy within two days alleging that a complaint is received that the petitioner set up buddy in Government land adjacent to panchayat road in Jammu Narayanapuram village. Aggrieved by the said notice dated 02.3.2007 issued by the Mandal Revenue Officer (MRO), Vizianagaram (Rural) Mandal, the present writ petition is filed.

The only submission mainly pressed by the learned Counsel for the petitioner is that even if the notice is referable to A.P. Land Encroachment Act, 1905, the MRO is not competent to initiate action. This legal position is not disputed by the learned Assistant Government Pleader for Revenue (General-T). On this ground alone the impugned order is set aside. This Court further observes that unless and until appropriate action is taken against the petitioners in accordance with law, they cannot be dispossessed from the buddy, which they set up by reason of the permission granted by the Gram Panchayat on 15.12.2004.

The writ petition, with the above observations, is accordingly disposed of. No costs.

March 13, 2007

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(V.V.S.RAO,J)